SINGLE BENCH

CF/1002

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 5055 /2006

PETITIONER :- 1] Sham Sher Bahadur Singh, S/o late Ran Bahadur Singh, aged about 64 years, Retired Assistant Statistical Officer, Kawardha, C/o Smt. Tara Devi Singh Near old Post Office Sukhapura, P.O. Sukhapura, District Ballia [U.P.].

5025/06 RKKashyap 12/9/06 P.R. No. Presented dated

VERSUS

RESPONDENTS :- 1] State of Chhattisgarh, Through- Secretary, Planning and Statistical Department Mantralaya, D.K.S. Bhavan, Raipur [C.G.].

2] Director, Planning and Statistical Department, Koshalya Compound, Mahila Polytechnic Bhawan, Barron Bazaar, Raipur [C.G.].

3] District Planning and Statistical Officer, Collectorate, New Building, Kawardha, District Kabirdham [C.G.].

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WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUNG WRIT IN THE NATURE OF CERTIORARI, DIRECTION AND OTHER APPROPRIATE ORDER.

(41)

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (S.) NO. 5055 OF 2006

Petitioner : Sham Sher Bahadur Singh

versus

Respondents : State of Chhattisgarh and others

Present : Mr. R.K. Kesharwani, counsel for the petitioner.
Smt. Anju Ahuja, Deputy Government Advocate for the State.

ORDER
(Passed on 12th day of December, 2006)

Learned counsel appearing for the petitioner submits that the petitioner, who was appointed as Progress Assistant in Panchayat and Rural Development Department and further promoted as Assistant Statistical Officer and posted at Kawardha, was suspended by order dated 29.9.2002 (Annexure P/1), on the account of a criminal case registered against him for offences punishable under Section 498-A of the Indian Penal Code and under Sections 3 and 4 of the Dowry Prohibition Act, 1961.

2. The petitioner was also detained in judicial custody during pendency of the trial and during his suspension period. The petitioner,

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on attaining the age of superannuation, retired with effect from 31.7.2003 vide order dated 30.6.2003 (Annexure P/2).

3. The petitioner has filed this writ petition seeking a direction to the respondents-authorities to grant full regular pension, full gratuity and other retiral dues.

4. It is well settled principle of law that the petitioner is entitled to provisional pension and some part of gratuity till the criminal case, pending against the petitioner, is not finally concluded. The employer may consider to take any action in the event the petitioner is found guilty in the criminal trial. The subsequent punishment, if any, can be awarded pursuant to the decision of the criminal trial pending in the criminal Court.

5. Thus, the writ petition is dismissed summarily. No order as to costs. However, the employer may consider to release the other payment to the petitioner, if permissible, in accordance with law.

Sd/-
Satish K. Agnihotri
Judge

Subhash